REMARKS

The examiner has rejected claims 3 and 4 under 35 U.S.C. § 112 as reciting insufficient antecedent basis for the stated limitations. These claims have now been corrected.

The examiner has rejected claims 3 – 15 under 35 U.S.C. §103(a) as being obvious over Moorer (US 6,904,152). According to the examiner, Moorer does not explicitly disclose a multichannel record by mixing and combining the source channels applying audio techniques, but it is obvious that all audio techniques and sound reproduction would deal with some kind of attenuation, phase correction, equalization and filtering in order to achieve the maximum clarity in the delivery of a sound to a customer, and that would also improve considerably the sound quality and the sound image perceived by those who are sitting in the room where the sound is being reproduced. Applicant respectfully traverses this rejection.

Moorer is directed to reproducing an original sound field as accurately as possible, while Applicant's invention is directed to reproducing a sound field that is tailored to an individual's specific sound system and an individual's specific tastes without regard to the accuracy of reproduction of the original sound. In addition, Moorer's system is applicable to any listening area having three or more speakers whereby two of the speakers reproduce a "standard" stereo mix and, by using a third speaker, a surround feed may be recreated that preserves the original spatial harmonics. In addition, rather than requiring that speakers be arranged in some particular pattern, Moorer uses whatever speaker locations that may exist to generate parameters in the electronic encoding and decoding of the multiple channel sound signals to bring about the original sound reproduction.

By contrast, Applicant's invention comprises a database that stores acoustic profile information for a variety of users of the system, each user having specific sound field parameters

for that user's individual configuration that are tailored to that user's individual tastes. Each acoustic profile contains data for a specific speaker placement configuration as well as specific sound reproduction parameters and characteristics for the components used in an individual's sound system. With Applicant's invention, an individual user may enter sound field configuration, components, and individual preference parameters into the database one time. Thereafter, the user may purchase recordings of original master recordings by various artists where the purchased recordings have been created and specifically tailored to the user's preferences and sound system. Thus, for example, a user could request tailored recordings of popular music, or classical music, or any other genre of sound recordings, and be assured that the purchased products would provide a desired listening experience when played on the user's sound reproduction system for which the recordings have been tailored.

Moorer does not disclose significant, nonobvious aspects of Applicant's invention. For example, Moorer does not disclose a business system by which a plurality of customers may have the physical parameters of their sound systems and their personal acoustic tastes stored in a database, where they may later be recalled and superimposed upon any original master recording to create customized acoustic environments in accordance with each customer's preferences and tastes. This process can be repeated to create as many customized phonorecords as the customer desires, using a different original master recording for each, and can be used for multiple customers. The result is that customized records created for a customer will no longer faithfully reproduce the original sound that was recorded, but will be tailored to reproduce a sound that has been modified to meet the customer's preferences, taking into account the customer's specific sound reproduction system and acoustic environment, and the customer's individual listening preferences.

These aspects of Applicant's invention are claimed in claim 3 using the language, "obtaining a plurality of parameters related to a sound reproduction system used by said customer and an acoustic environment within which said sound reproduction system will be used . . . [including] . . . sound reproduction characteristics of said sound reproduction system, characteristics of said acoustic environment within which said sound reproduction system will be used, said customer's preferences for the use of said customized multiple channel recording; . . . creating said customized multiple channel recording . . . to fit said preferences defined by said customer; [and] electronically assembling said customized multiple channel recording with other multimedia related to said content or customer preferences . . ."

Moorer does not disclose "obtaining a plurality of parameters related to . . . said customer's preferences for the use of said customized multiple channel recording . . ." By this step, Applicant is creating a customized recording that provides an acoustic field according to a customer's preferences rather than simply reproducing an acoustic field that attempts to duplicate the original sounds as they were recorded. Conceding that Moorer discloses audio techniques and sound reproduction that would deal with various technical acoustic parameters, Moorer does not suggest recording and storing parameters for individual systems, based upon individual preferences, and later recalling such parameters and superimposing them upon original master recordings to create customized sound recordings for individual customers.

Claim 4 has been amended to clarify that a customer's acoustic profile includes a customer's acoustic preferences for customized recordings. Claim 4 also includes a method whereby a customer may place internet orders for original master recordings that have been customized to his tastes and acoustic reproduction system. This method permits a single database to maintain numerous different acoustic profiles tailored to the preferences of numerous

customers who may then order customized recordings over the internet. Moorer does not disclose such a system.

Moorer does not disclose nor even suggest a system such as Applicant's. Moorer discloses mathematical and conceptual forms and algorithms for reproducing a sound field, but does not suggest Applicant's system whereby a plurality of sound field parameters be maintained in a database for different individuals and configurations, nor suggests the tailoring of master recordings to produce different customized records for different individuals. Applicant's system uses reproducible parameters that can be applied to any master recording to produce a customized record for an individual, based upon the individual's system and speaker configuration. As such, Applicant's system is novel and not obvious in view of Moorer. Applicant respectfully requests the examiner to withdraw his objections to claims 3 – 15 and issue a Notice of Allowance.

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Respectfully submitted,

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